

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Tristan M.,

Case No. 23-CV-2077 (JMB/DTS)

Plaintiff,

v.

**ORDER ON REPORT AND  
RECOMMENDATION**

Martin J. O'Malley, *Commissioner of  
Social Security Administration,*

Defendant.

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This matter is before the Court on the Report and Recommendation (R&R) of United States Magistrate Judge David T. Schultz dated April 16, 2024. (Doc. No. 28.) The R&R recommends that Plaintiff Tristan M.'s Motion for Summary Judgment (Doc. No. 20) be denied, and that Defendant Martin J. O'Malley's Motion for Summary Judgment (Doc. No. 26) be granted. (*See* Doc. No. 28.) Neither party has objected to the R&R, and the time to do so has now passed. *See* D. Minn. L.R. 72.2(b)(1).

In the absence of timely objections, the Court reviews the R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (*per curiam*).

Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. No. 28) is ADOPTED.
2. Plaintiff's Motion for Summary Judgment (Doc. No. 20) is DENIED.
3. Defendant's Motion for Summary Judgment (Doc. No. 26) is GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 16, 2024

/s/ Jeffrey M. Bryan  
Judge Jeffrey M. Bryan  
United States District Court